

revenge, (the persons and the places cautiously considered) then the first affronts did to satisfie despight; what shall We iudge of *Challenges* in colde blood, that wrong Iustice in thole very kindes that are exprest, besides many more, that times and occasions may exemplifie.

FOr, who can deny that man to liue in the state of a prisoner, whom so many bands of duety and obedience deteines from answering a person that is past himselfe, according to his folly, or a man transported beyond ciuill bounds, by consenting in the same act of wilfulnesse? Why may wee not accompt those men to be lame, whom Iustice, for the time, depriues of all forces and faculties, by which they should perfourme that vnlawfull Challenge, to which they are inuited or prouoked, by the pride and outrage of their Opposites? How can they be said to stand free from superior commands, that are borne in obedience to Lawes and Magistrates, and that by the Lawe of nature owe the first duty to their Countries,

the

city argument

2 leaves
3rd

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BOHEMICA IVRA DEFENSA.

THE
BOHEMIAN
LAWES OR RIGHTS
DEFENDED,

Against the INFORMER:

OR

*An Answer to an Information, falsely
so called, secretly printed and divulged
against the Writings published
by the States of
BOHEMIA.*

Translated out of Latin by

I. H.



clb. cl. c. xx.

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The Translators Preface.

How hard a thing it is to translate from one language to another, and make the same word for word to answer one another, as face answereth face in a glasse; the right sense, phrase, grace, and proprietic thereof obserued, is not vnkowne to the learned, who haue acknowledged, and found by experience, this so great a difficultie. Much more hard (I say) then to compose a thing anew, and bring forth a mans owne free conceptions: which yet is both hard and painefull, as all new births be. Neither is it to be expected, or possible for any one, alwayes so exactly to expresse the very words & phrase, which in diuers languages are different: a libertie therein left to all Translators, which here I challenge. Nor haue I varied much from the Authors words herein, but only in some few places (and that consulting with better iudgements then my owne :) which had I translated verbatim, might haue remayned very obscure. And so I referre it to the censure of all those who fauour the equitie of this so Christian a cause. Being an answer to an *Information* (or rather *mis-information*) of the Aduersaries both of Truth and Religion, who

are now growne to that height of impudency,
as they will *Informe*, affirme, yea and contra-
dict and denie almost any thing, though as
cleare as the Sunne, either in matter of right or
fact, to maintayne their owne desperate cause.
Witnesse all those idle rumors wee haue heard
with our eares, from time to time dispersed
amongst vs, and daily heare: which Time al-
readie in part hath shewed to bee palpable and
false, and (I hope) will doe more and more,
comming from the father of lyes, and his mali-
cious instruments: with such contumelious and
vnworthy aspersions, vpon that most Noble
and Heroicall Prince, now King of *Bohemia*,
and his proceedings; whereby they endeuour
by all meanes to disable, disgrace, and dispa-
rage him, (and so haue done euen from the time
of his Nuptials to this last Action, which hath
set them all on fire) as (I hope) God in due time
will make all the world eye witnesses and iud-
ges thereof by the euent; *Exitus acta probat*:
and hereupon wee will ioine issue with them.
If *Rome* be not *Babylon*, and *Babylon* fall not,
then are we palpable lyers (as they call vs) like
themselues, neither hath the Lord spoken by any
of his *Prophets*: but if it bee, then let them bee
lyers (as they are, and the children of their fa-
ther the Deuill) and *God only true, as it is writ-*
ten: in the meane time, *desinant maledicere*, I
say no more. If there bee any escapes either in
this translation, or the former impression of the
Latin,

Latin (whereof I was an ouer-seer) as also of
the other *Reasons* and *Relations*, formerly
published, (wherein was promised further sa-
tisfaction, and iustification of the cause, since
made good, both by the King of *Bobemia* him-
selfe, and other his seruants and well-willers)
I say as then: *Me, me adsum qui feci*; I hope the
Christian Reader will pardon and passe ouer
them. If those of the aduerse part, friends and
well-willers to the *Informer*, perhaps meete and
quarrell with such small matters, they shall but
only bewray their distrust, and weakenesse of
their owne cause, not finding greater matters
to challenge, therefore carping at the least: re-
membring that saying (whereof they make
good vse) *Calumniare audacter, semper aliquid
hæret*. And so I conclude with the Author in
this his proeme following, referring (as before)
the further censure hereof to the discrete
and iudicious Reader: *let the wise iudge
whether is more solid; and let the pru-
dent Reader adhere and cleave vn-
to that which is the plainer,
and grounded vpon
best proofes.*



The Bohemian Lawes or Rights
de ided,
Against the Informer.

THAT most excellent cleere Lampe of right reason, is not so altogether extinct by the fall of mans nature, but that some little sparke, (and so much) remayneth, that even those who doe most of all offend against right reason, and confound, and overthrow both diuine and humane Lawes, doe yet couet, and would be thought to doe those vniust things they doe, (or indeauour to doe) by Law and by right. There bee some goe a fowling after Kingdomes, and hunt after Scepters: and send abroad their hounds, that they may assault the wild Beast lying hid safe and secure in her owne Lords Parkes: pretending her now to belong to the iurisdiction of another, lest they should seeme iniurious to any. Such a hound we see a certaine Informer to bee: who, tooth and nayle, by right and wrong, would (if hee could) draw the Kingdome of Bohemia (in hope deuoured of his Lord) to the iurisdiction and rights of the same Lord of his: that hee might be thought but only to seize vpon his owne prey, and not to drine another mans away. From the mouthing, and biting of this so great a Dogge, to deliuer this noble wild Beast, were a worke both iust and equall, well worth the labour:

bour: that she might be detayned under her owne law-
full and friendly Keeper, in her owne proper Pastures:
and not exposed to the ouergreedy iawes of others, to
be deuoured, and swallowed up. Our Informer knew
very well, no right at all to the Kingdome of Bohe-
mia, to belong to the most Illustrious Archduke Fer-
dinand now Emperor. He saw the lawes and rights
of the Bohemians (by them explicated in a short
summe) among honest minded men, and all of the wi-
ser sort, to bee held impregnable, not to bee shaken.
What should hee then doe? Not to perswade the Wise:
(for of that hee is out of hope) but to the intent hee
might induce the base, and rude multitude into that
opinion; that the writings of the Bohemians are
sufficiently answered; and that the Lawes in them con-
tayned are by him wholly shaken: he hath caused to be
printed a certaine Treatise, here and there patched
up to that effect; that (at leastwise by the printed
booke) The ignorant might perswade themselves the
reasons of the Bohemians to bee sufficiently confuted.
If the Informer would haue dealt with the prudent
only, and experienced in affaires, and in the lawes of
gouernement, there was no cause why he should publish
those vaine commentaries, secretly and by stealth im-
printed. For hee had aduersaries very ready, who
were able to discouer vnto him sufficiently, the false-
hoods, arts, deceits, and wilinesse of those commen-
taries: and lay open the matter before the wise with-
out disguising and fallacies; yet did hee promise to
himselfe the victorie, if hee first could communicate
those things (which were only debated among the wi-
ser

ser sort) in print to the ignorant multitude. There was no cause truly (I confesse) wherefore by this information of the aduerse part, the reasons of the Bohemians more largely explicated, and in vaine opugned, should haue beene committed to the multitude in print; but that the other Informer, hath euen inforced good men; fauouring the equitie of the cause hereunto! who surely (lest he should seeme both to himselfe and others ouer wise) haue thought this Information very fit to be published. Let the wise iudge whether is more solid: and let the prudent Reader adhere, and cleaue vnto that which is the plainer, and grounded vpon best proofes.





THE ANSWERE

To the *Information* against the Apologies and Writings of the *States of Bohemia*.

The first Part.



HE pretended *Information* therefore saith, *The Kingdome of Bohemia is not Elective* Fol. 1. *but in case, &c.* And a little after, *Neither* Fol. 2. *is it true that it hath continued the ELECTIONS free from six Ages.*

First of all, therefore we must establish the *Right of ELECTION* belonging to the *Bohemians*, which the *Informer* goeth about to overthrow: then after must examine the proofes produced to the contrary; from the selfe-same *Historians* which the *Informer*, for the defence of his owne cause doth alledge. For the *Kingdome of Bohemia*, with the *Prouinces* incorporate, (any one void of passion being iudge) it is most certain, that from the very first beginning, it hath beene altogether free, and neuer subiect to any *Hereditarie Succession*; and hath preserved this *Libertie* entire, and hitherto inuiolable: not at all verball onely, of no force, vertue and effect; as the *Informer* falsly informeth. The words of the *Informer* are these:

The scope of this first Part.

B

That

Fol. 5.
Not euery re-
ceiuing of a
King, signified
by the word
Election.

That in the Bohemian tongue euery assumption, or recei-
uing of a King, indifferently, whether it bee done by
right of Succession, or by true ELECTION; is
signified by the word ELECTION, largely and ge-
nerally taken, though improperly.

Is not this tergiversation more then ridiculous? For
the Bohemian tongue is not so barren, but that it is able
to distinguish ELECTION from Inheritance: yea those
words of ELECTION, and Inheritance, in the Bohe-
mian Language to bee most different, the Bohemian Hi-
storians (as also others who haue written in the Ger-
mane and Latine Tongues: to wit, *Dubranius*, *Aeneas
Sylvius*, and others; and the Priuiledges also of diuers
Emperours) doe teach and declare.

The most free
Election of the
Bohemians
proued.

Therefore for the confirmation, and strengthening of
the said free ELECTION of the Bohemians; it is to be
noted, the same (together with the most free States and
Bohemian Nation) from none, either Emperour, King,
Monarch, or Prince to haue taken her first beginning.

Haiee. Fol. 20.
Æn. Syl. c. 34.
Dub. Lib. 1.

For *Czechius* (after whose name euen to this day, the
Bohemian Nation in their owne Proper speech is so cal-
led) was the first, who with his Legions inhabited that
Kingdome, before desert; adorned with no Lawes, or
Policie: who being dead; when, for the want of a Prince,
diuers Controuersies, Iarres, and Discontents heere and
there did arise: it was decreed by common counsell, and
with one consent, for the ELECTING of some one, to
whom as to their Prince, they might performe obedi-
ence. Instantly hereupon *Croesus*, a man excelling all o-
thers in fame, and highly beloued of all, was ELEC-
TED: And so in the yeare of Christ, 670. the first foun-
dation of the Right of ELECTION was laid. By
this forme of most free, and lawfull ELECTION, and
by

Anno 670.

(3)

by no other Law, or Right what soeuer, all the succeeding Princes, called *Dukes of Bohemia*, from the said yeare 670. vnto the yeare 1109. and so for the space of 579. yeares fully complete; without any manner of impediment of any, either Prince or Lord; haue beene aduanced to that **Gouernment**. And chiefly the circumstances of Historians in these cases are well to be weighed. For scarce (or not at all indeed) any succession of a new Prince is at any time described, where there is not mention made of the conuocations, (at leastwise) of the Nobles of the Kingdome, and of the consultations for the **ELECTING** of a new Prince. And there can bee no example found, although the Son succeeded the Father, where euer the said **ELECTION** hath beene omitted: and oftentimes, the children of the dead Prince neglected, his brethren or others, also many times the younger before the elder, haue beene preferred and **ELECTED**. Yea, the children and descendents of *Czechius*, the first founder of this state, not regarded, they haue **ELECTED** *Crocius* wholly of another Family: as *Haiecius* testifieth. For during that most great Confusion and Anarchie, the wiser sort, and haters of euill, called the whole people of both Sexes to the Sepulchre of *Czechius*; proposed the **ELECTION** of a new Prince, and with the generall consent of all, **ELECTED** the afore-said *Crocius*. And the reasons of this **ELECTION** are also set downe by other Historians. For *Cosma Pragensis* saith thus:

See here
what kind of
Succession in
the Kingdome
of Bohemia.
Haieci. Fol. 3.

This man was in deliberation of iudgements discret, to whom, as well out of the proper Tribes, as out of the Comminaltie of the whole Prouince, euen as Bees vnto the Hine, all men did flocke, for the deciding of controuerfies.

And *George Bartholdus* testifieth:

Geor. Barib. in
Boh. pia, pag. 11

Crocus a iust man, and of great esteeme and authoritie
at that time among the Bohemians, was Elected
Prince.

Fol. 8.
Anno 710.

Five Moneths after the death of *Crocus*, which hap-
pened in the yeare 710. the States of the Kingdome, and
the Prelates againe assemble, for the ELECTING of
a new Lord; and doe establish in the Government *Li-
bussa*: whereof growing verie wearie, (as being foemi-
nine) shee speaketh on this mauer to the States: Depart
ye, and that day I appoint you returne to me againe: whom-
soeuer then you shall ELECT for your Prince, hee shall bee
my Husband. And by this meanes *Premislaws*, Anno 722.
obtaind both the Principalitie, and *Libussa*. Where *Cos-
ma Pragensis* introduceth the people speaking thus to
Premislaws:

Fol. 11.

Ann^o 722.

Pag. 6.

Our Lady *Libussa*, and all the whole people doe command
that thou come quickly, &c. Thee our Duke, thee our
Indge, thee our Governour, thee our Protector, thee
onely doe we ELECT for our Lord.

Premislaws diseased and growne old, calleth the States
together: as *Haiecius* testifieth, Anno 745. gaue them
great thanks that they had ELECTED him; and did en-
treat for *Nezamislus* that hee might bee ELECTED:
who also, by this meanes, of the Nobles was ELECTED
and aduanced to the Government of the Kingdome.

Fol. 36.

After his death, the Barons, Nobles, and Peeres, with
the whole people, Anno 783. assemble together be-
fore the gates of the Castle of *Prage*, and with one con-
sent doe ELECT, and salute *Mnatha* the sonne of *Ne-
zamislaws* for their Prince.

Fol. 41.

Duke *Mnatha*, Anno 804, leauing his Sonne *Vogenus*
des-

desperately sicke, dieth. The States, lest also his sonne If the free
 should est-soones pay his debt to nature, and so (by rea- right of electi-
 son of the ambition of the Nobles) fearing sedition might on did not be-
 arise, each one of these great ones aspiring to the Duke- long to the
 dome) they constitute another, *Robonicus* by name. But, States of Bo-
 this man ruling with verie great rigour, they assemble a- hemia, by what
 gain, *ELECT Vogenus*, and leade him to the Dukes right could
 seat, to wit, the castle of *Vicegrade*. But *Robonicus*, who they haue
 at that time was in the said castle, pretending a former chosen this
ELECTION, doth defend himselfe with verie great *Robonicus?*
 force. At length, breaking open the gates, by flight hee
 seeketh his safetie, and *Vogenus* is confirmed in the
 Throne.

After the death of *V O G E N V S*, the whole people wel *Fol. 50.*
 nere of all *Bohemia*, *Anno 822.* doe assemble together at If the State of
 the Castle of *Vicegrade*: where there arose great contro- *Bohemia* were
 uersie, whether of the two sonnes of *V O G E N V S* (when hereditarie,
 some for the goodly stature of his bodie, wished rather without
 the yonger, others the elder) ought to be chosen. all doubt
CREVOMISLIVS at length, after diuers concertations, is the elder bro-
ELECTED: and both the brothers, to wit, *CREVOMISLIVS* ther had been
 and *VRATISLAVS*, were contented to retained.
 abide the decrees of the Nobles and States. And this so-
 lemne act of the confirmation of *CREVOMISLIVS*,
 in so great an assemblie of people (in their owne Lan-
 guage, applauding, *Vivat, vivat, CREVOMISLIVS;*
this is our Duke, and will preferne vs in all honour and pro-
peritie) commeth well to be noted.

CREVOMISLIVS dying, *Anno 852.* the States *Fol. 56.*
 assembled againe, saluted, and *ELECTED NECLA*
 with verie great acclamations: who departing this life,
 all the people come together at the fountaine of *Gesena-*
lia, and there *ELECTED HOSTIVITIVS* the sonne
 of *NECLA*, *Anno 873.*

Fol. 65.

The Historie in this place maketh mention of a sort of Nobles of *Bohemia*, called *LOPOTES*: these were Lieutenants of Prouinces, who did prescribe Lawes both to the people and Peeres of the Kingdome; yea, euen to the Dukes themselues, and saith, they did also participate of the gouernement of the Kingdome.

Fol. 71.

The *ELECTION* also of *BORIVORIVS*, the son of *HOSTIVITIVS* (which fell out in the yeare 890. Heathenish Sacrifice being vsed) as also of the Duchesse, who afterwards by the said *LOPOTES*, was ioyned in marriage with *BORIVORIVS*) is with diuers circumstances described by the Historian.

Fol. 72.

BORIVORIVS, who first receiued the Sacrament of Baptisme, willing to bring in Christianitie, (expulsed out of his Kingdome) in his place *STVG MIR* of *Banaria* was *ELECTED*, *Anno* 895. Whom notwithstanding, seeing he was ignorant of the Bohemian tongue, after two moneths, sufficiently rewarded, they sent home againe. Whereupon (a Prince now wanting) againe great tumults did arise: Wherefore a generall assembly was called at *Vicegrade*, for the *ELECTING* of a new Duke; and there *pro* and *con*, both for and against *BORIVORIVS*, great clamour, disputed by armes; at length (the *Borinorians* Victors) it was concluded for *BORIVORIVS*.

Fol. 74.

The yeare following 897. in the month of March, the States do againe assemble, and there with one consent an Embassage decreed for the recalling of *Borinorim* out of *Morauia*. This man, after (with the consent and approbation of the States) resigned the Dukedome to his sonne *Spitigneus*: who a little while after dying, thereafter *Anno* 907. the aforesaid *Lopotes* doe assemble: where, after diuers and long treaties, *Borinorim* againe is called;

called ; who when as now he had giuen himselfe to a priuate and quiet life, giuing thankes to the States for their so propense loue towards him, he doth intreat them for his sonne *Vratislaw* to be ELECTED.

Notwithstanding the States, although they had conceiued some doubt by reason of his sonnes tender age, yet animated with the fathers counsailes, at length they ELECTED him, and aduanced him into the seate of the Dukedome. Fol. 78.

Vratislaw dying, Anno 916. after diuers publique assemblies, *Wenceslaus* his sonne, being now of riper yeares, in the presence of the States doth speake vnto his mother (a Widow, and hitherto euilly administering the Dukedome) on this manner: Know (mother) that the *Lopotes*, Lords and Nobles of this State, haue ELECTED mee for their Duke ; wherefore rest thou thy selfe contented with the right of thy widowhood, leaue the charge of reigning and ruling to mee. And thus was *Wenceslaus* with the consent and applause of the States and people, declared Duke of Bohemia. Fol. 83.

This *Wenceslaus*, famous for his pietie and Sanctimonie, being slaine by his brother *Boleslaus* a tyrant ; into his place, Anno 967. *Boleslaus* the second (as the Historian testifieth) was ELECTED. Fol. 101.

Anno 1003. the States againe assembled, and ELECTED *Iaromyrius* the sonne of *Boleslaus* : his father (and that against the counsell of the States) departing into Polonia, and desiring, that if any disaster should befall him (as indeed afterwards he was depriued of his sight) they would ELECT his sonne into his roome. Fol. 126.

Udalricus, persecuting his brother *Iaromyrius*, Brei-
slaus, Fol. 141.

Thus Anno 1037. was ELECTED. But the ELECTION of Spitignens the sonne of Bretislans (which happened in the yeare 1055.) by reason of the multitude of the dead mans children, was verie solemne: for the States in verie great number assembled, and (the testament of the Duke deceased wel weighed) all of what condition, state, or age soeuer they were, ELECTED the elder sonne of Bretislans, Spitignens by name.

Fol. 163.

After him, his brother *Vratislans*, who (according to our Author) first obtained the title of King from *Henric* the Emperour,) by common suffrage of all is ELECTED.

To him, *Conradus* his brother, by the free voyces and ELECTION of the States was substitute: who although he left behind him two sonnes, yet (those reiected) they did ELECT his cousin *Bretislans*, and after that *Anno 1100, Borfinogins.*

After this, those that were descended from the Dukes and Kings stirred vp great tumults; wherefore, *Snatoplucus* the Duke *Anno 1109.* being slaine in battaile, the Emperour at that time present, spake thus to the *Bohemians*: *My Lords, I call God to witnesse, I take the death of this Prince beauly; but seeing it was his will, it is your parts now, which soeuer of his sonnes suruiuing, you had rather, to ELECT into the Place of his Father.* But the States at that time present, desired *Otho*, the brother of him that was dead, the Emperour approving thereof: vnto whom notwithstanding, after, the rest of the States opposed themselves with all their might; whereof hereafter more at large.

Thus farre *Haiceius*, the most famous Writer of the *Bohemian* affaires, alledged also by the Author of the information-

formation himselfe : out of whose Copie printed at Prague in the Germane Tongue, *Anno* 1596. with the priuiledge of *Rodulph* the Second, of godly memorie, Emperour, all these things were faithfully transcribed, and translated. Where also the Germane words, *Electi-on*, or *Right of Electing*, doe differ from the words of *Receiuing* or *Hereditarie succession*, as farre as heauen from earth. For another thing is *Erivablen*, to ELECT, *Ane-g-men*, to receiue, and *Ererben*, to take by Hereditarie right. Which words also in the reuersals of the Emperours, *Rodulph* and *Mathias*, de *Anno* 1608. (as hereafter more at large shall be demonstrated) are read expressely distinct. And for the greater demonstration of the vaine glosse of the *Informer*, let vs heare the Authors who hitherto haue written the affaires of *Bohemia* in the Latine tongue. *Dubranius* making mention of *Nezamislus*, the sonne of *Primislus*, expressely saith thus :

Though he were dull, and void of understanding, yet for the memorie of his father, he obtayned the fauour of the States, and of them in the solempne accustomed manner, was saluted Prince in the castle of Visserade, Vicinus taking it hainously, who thought himselfe rather wor-thie the same dignitie of a Prince.

And after,

Hottivitus (his younger brother taking it grieuously) Lib. 3. pag. 20. was put by the States in his fathers place.

Item,

In that assembly Vratislus is declared Prince by all the Lib. 8. p. 59. States.

These phrases also are often found elsewhere. *Aeneas Syluius* vseth phrases without any ambiguities :

Him doe they make choyce of for their Prince.

Hee through the fauour of the people gouerned. And although this Author handleth our matter somewhat succinctly ; yet, confronting him with the things before

going, it may easily be understood. Hereunto agreeth the testimonie of *Cosma Pragensis*: these be his words:

*chron. p. 30.
Anno 1055.*

After the death of Brecislaus, all the Bohemian Nation, both great and small, by common counsell, and a like affection and will. doe ELECT for their Duke, his first borne soune, Zpingnen: singing, KYRIE ELEYSON.

Item

The Bohemians all favouring Vladislaus, he is exalted to the Throne.

And againe,

The Bohemians all assenting, Vladislaus is advanced to the Throne.

These and many other testimonies are found among the Historians, which if they should all be put here, the day would sooner faile than they: for, from the verie first beginnings, euen vntill the yeare 1109. they haue remained in a continued course without interruption. In which yeare, *Suatoplucus* being slaine, when as the Emperour, at that time present (as afore we haue touched) at the instance of certaine noble men of *Bohemia*, remaining in the campe, desired that *Otho*, the brother of *Suatoplucus*, might be ELECTED, and published: the Author expressly saith thus:

In the generall assembly, the chiefe Lords found themselves agriued at the ELECTION made in the campe, contrarie to the institution and decrees of their Ancesters:

To wit, whose ground works (as the Fundamentals of a most free and lawfull election) were laid, Anno 670.

And the ancient manner, &c.

Lib. 11. pag. 53.

That is to say, their old obserued customes, euen to that verie day inuiolably maintained. Wherefore also the States (as *Dubrauius* and other Historians testifie) would not ratifie, nor admit for good the ELECTION formerly made: but to preserue their ancient right, reiecting *Otho*,

Otho, with the generall consent of the whole people, they elected for their Duke, *Vladislaus*: notwithstanding that *Borsiuogius* was the elder brother. These are the words of *Vladislaus* in the Author:

That it was no private thing which Borsiuogius desired, but belonged to the suffrage of the whole people. And therefore not from one brother alone; but from all the States the gouernement to be sought and sued for, because that in fine is like to be firme and stable, which by common counsell shall be decreed.

Vladislaus dying, the States doe elect *Sobislaus* his yonger brother: not onely three of the dead mans children put backe, but againe also his elder brother, the aforesaid *Otho*, not caring, though as then hee had the castle of *Prague* in his hands and keeping.

Otho would not yeeld vnto him the castle of *Visserrade*, before he first perceined that by the generall assembly, he was declared Prince, with so great and generall consent of the States, that he despaired of keeping the castle any longer: which after hee had quit, hee returned in anxietie into *Moravia*, and in threatening wise, as though in short time hee would reuenge this iniurie: in that the *Bohemians* had preferred before him (who was the elder) his yonger brother *Sobislaus*.

Here a man may easily see, that to the States of the kingdome wholly belonged the pure and free ELECTION of creating and chusing their King. Afterwards, in the yeare 1135, in the time of *Sobislaus*, in the generall assembly of the States (the Prince and the States consenting together) diuers decrees concerning the ELECTION were ordained, and among other things:

1. The forme of the gouernement, in time of vacancie, *Haier. fol. 233.* what it ought to be.
2. How and in what manner the States ought to be called vnto the ELECTION.

3. The Parliament assembled about the ELECTION, not to continue about three daies.

4. That the Prince ELECTED, presently after his entrie, ought to confirme by Oath that he will make good, and preferue the priuiledges of the Barons, Nobles, and Comminaltie.

Hitherto the institutions of Ancesters, and the old customes concerning the Election of the Dukes were obserued.

Afterwards, *Frederick* the Emperour, *Anno* 1159. (as before is said of *Henrie*, and *Vladislaus* declared King of *Bohemia*) created *Vladislaus* King, but not as yet the royall name vsed, vntill *Philip* the Emperour, *Anno* 1200, gaue the golden Crowne to *Primislaus Otihocarus*, and so renewed the royall dignitie. Hence so many letters, so many priuiledges, so many reuersals, and the explications thereof following thereupon. For from the verie first ELECTION euen to that time, without the benefit or fauour of any Emperour, by no confirmation regall, or any other law written, but onely by custome, they haue exercised their free ELECTION. But afterwards (the regall dignitie with the dependencies thereof comming in place) expresse *Authenticke*s were necessarily required. Nor yet, that the said Emperors did offer any manner of preiudice to the liberties and priuiledges of the *Bohemians*, but rather ratifie, and more perfectly confirme them, the Letters of *Philip* the Emperour doe witnesse.

Haic. fol. 286. Thereby confirmed: the kingdome of *Bohemia* nothing at all to belong to the Emperour, but in respect of the regall dignitie.

That, to wit, for euer it should be lawfull for them (*Zu ewigen zeyten*) by vertue of their ancient customes, to Elect whomsoever they would for their King.

The same in a certaine priuiledge of *Frederick* 2. Emperour, is confirmed in the words following:

Wee doe constitute and confirme him King: and this so sacred, and worthy a constitution we approue, and the kingdome of Bohemia freely, and without all exaction of money (according to the accustomed iustice of our Court) we grant to him, and his successors for euer. Willing that whosoever by them shall be Elected for Kings, come vnto vs, or our successors, in due manner to aske the Regall dignitie.

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Hence it appeareth manifestly, the Emperour to haue reserued to himselfe and the Empire only, the recognition of the Regall dignitie, as proceeding from him and the Empire: but the right of free ELECTION to haue left altogether vntouched. For the Bohemian Kings and Princes themselves, did neuer interpret these things any otherwise. For when as *Anno 1216. Wenceslaus Sonne to King Primislaus* (his Father yet liuing) was ELECTED: hereupon such letters of the Emperors approbation were erected:

Our faithfull and well-beloued Henrie Marquesse of Morauia, and the whole State of the Lords, and Nobles of Bohemia, haue declared to our Highnesse, that by common consent, and assent of our well beloued Ottocarus King of Bohemia they haue ELECTED for their King Wenceslaus, the first borne sonne of the Kingdome of Bohemia.

Behold here a testimonie more then authenticke of a most free ELECTION, where (to wit) the sonnes of the Kings themselves, could no other way bee aduanced to the Crowne of *Bohemia*, but by the free and lawful ELECTION of the States preceding: which also by euery approued Writer of the Bohemian affaires may bee pro- ued. And although seldome they ouer-passed them who were sprung of the blood Royall; yet sometime also it hapned: Examples, King *Rodulph*, *Albertus* Duke of *Banaria*, *Georgius Podibradins*, and others.

Nor more doth the continued Succession of blood of the former Kings serue to the pretended Inheritance, than that of the Polonians, which (by reason of the ELECTION of the Sonne of a precedent King) hath bin alwayes the same. Insomuch as euen to their present King (though otherwise a *Succian*) the fauour of the *Mo-*

Fauour not to be drawne as a consequent, nor gooddeeds to be rewarded with euill. Of Sweden.

Both the Son
and Nephew,
and Nephews
Son and Ne-
phewes Ne-
phew (the Fa-
ther dead) are
elected. What
Succession
hence of He-
reditary right
in a Kingdome
Elective?
The vpper Pa-
latinate of Ba-
varia.

Mothers Line originally deriued from the Posteritie of *Jagellus*, sometime Prince of *Pole*, was much auailable to him for the obtayning of that Crowne of *Polonia*. Meane while, yet this Kingdome, without any contradiction to be plainly and most freely ELECTIVE, no man euer denied. For seeing that these two Kingdomes haue (almost) both the selfe-same foundation, (to wit from *Czechius* and *Lechus* brethren) and time, and people: yea and Language but a very little differing (as all Histories witnessle,) what should hinder, but that they euen from the first beginning, in this point of Politike Go-uernment, haue resembled each other? But besides this of Poland, we may produce also other examples, euen of the Sacred Romane Empire, where the Heires in bloud haue succeeded one to another, albeit they could haue no iust claime, or hope grounded vpon Hereditarie Succession. Surely the Ancesters of the Bohemians neuer suffered the most free right of ELECTION to be wrested out of their hands: in so much as they opposed themselves with all their might to *Iohn* the sonne of *Henrie* the seuenth Emperour, Anno, 1311. elected King. For that he had a purpose to exchange *Bohemia* with the *Palatinate*: this being repugnant to their free ELECTION, which granteth to no King (without the consent of the States) any power either of treatie, transaction, or disposall, or testament, or translation any other way whatsoever made, that may bee hurtfull to their Priuiledges. The Letters giuen to the King by the States at that time solemnely assembled at *Cubit*, (commonly called *Elbogga*) doe declare this sufficiently, the tenour whereof is such:

We are ignorant (Sir) for what desert on our parts your Maiesstie should goe about to overthrow our free, and most ancient Rights of ELECTION. It cannot be hid from your Maiessty, that neither of force nor arms,
but

but only of our propense loue towards you, you haue bin ELECTED King. Wherefore not without iust cause, wee maruell, that by any pretended exchange, your Maiestie would seeme to subiect vs to Lodwick of Bauaria, and so spoyle vs of our most free Priuiledge of ELECTION. Surely Lodwick shall neuer by any meanes (except by force of Armes, or our free ELECTION) beare rule ouer vs.

This resolution of the Bohemians scene, King *John Haic. Fol. 388.* both procured the cassation of the Treatie, and also made a reconciliation with the States of *Bohemia.*

This also testifieth *Dubranus* in these words :

There in a verie great Assembly of the Bohemians, Lodwick by his owne testimonie, doth purge the King of that so grieuous a suspicion they had of him, and sheweth unto them in writing the Paction or Agreement alreadie begunne with the King : wherein it was expresly and plainly added; the same to remaine ratified and firme, If it were confirmed by the common assent of the Bohemians. Pag. 193.

By this short deduction a man may easily see; the States alwayes to haue preserved the Right of ELECTION; and that from the first Originall of the Bohemian Nation, not to haue acquired or sought the same from any, either Emperour, or King. But *Charles* the fourth, when to him as Emperour, the aforesaid Priuiledges of *Fredericke* the second, concerning the receiuing of the Regall Dignitie, were to bee confirmed : mooued no doubt with the loue hee carryed to his Posteritie, and in hope to confirme the Hereditary Succession, limited thus (but of his owne head) the free ELECTION of the Bohemians.

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In case onely and event, where none Male or Female shall remayne alive, legitimate, (which God forbid) descended of the Linage, Progenie, Seed, or Royall Offspring of Bohemia.

But to *Charles* it belonged not to insert a new clause to the Confirmation, and by this meanes to overthrow the States free Election, no more then to his Father *Iohn*, to exchange *Bohemia* with the *Palatinate*. Also no Confirmation doth adde any new thing. Neither doth it belong to any King to overthrow the fundamentall Lawes of the Kingdome: especially seeing they proceeded not from the precedent Kings, but had their beginning even with the Nation it selfe. Wherefore also the said clause (the which for default or want of power and ~~Authority~~ by it selfe is nothing) was neuer obserued by the States. Also *Charles* in another Priuiledge both of the same day and yeare with the former, approouing in the words following, the free ELECTION of *Wenceslaus*, the eldest Sonne of *Primislaus Ottocarus*, is most euidently contrarie to himselfe. The words be these:

And the Letters of the sacred King of the Romanes, Frederick, wherein is expressed that the Illustrious Henrie Marquesse of Moravia, and the whole body of the Lords, and Nobles of Bohemia, by the assent, and will, of the Illustrious Ottocar, sometime King of Bohemia, our most deare great Grand-Father, haue chosen for their King the Illustrious Wenceslaus, his eldest Son: & the same ELECTION by the afore-said Frederick King of the Romanes was approned.

And againe, seuen whole yeares after the afore-alleged Confirmation, to wit, *Anno 1355*. the same *Charles* doth alleage the ELECTION of the said *Wenceslaus* in these words:

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Who is knowne to haue held the same Marquisate, with all the Honours, Dominions, and appurtenances thereof, by no other meanes, than as by this example our selfe hold from the Illustrious Iohn of famous memorie sometime King of Bohemia, our most deare Father. As also that may be a verie probable Argument, out of the Letters of the sacred King of the Romanes, Frederick, wherein is expressed, that the Illustrious Henrie, then Marquesse of Moravia, and the whole body of the Peeres, and Nobles of Bohemia, with the assent of the Illustrious Ottocar, our great Grandfather, elected for their King his Illustrious firstborne Sonne Wenceslaus, and the same ELECTION by the afore-said Frederick was confirmed.

If therefore *Charles* himselfe doe both acknowledge and approoue the ELECTION of the Sonne of the King yet liuing; by what right doth he endeavour of his owne braine, to bring in that often mentioned restraint, which doth altogether oppugne this free ELECTION? And how otherwise can hee deny to the States power of Electing, the Royall Issue yet remayning? Doe not all these things saue of manifest Contrarieties? Moreover the words of *Charles* the fourth, well considered, it will appeare he speaketh of the Males, or Females suruiuing of the Royall Bloud only of *Bohemia*. What can this theretore profit *Ferdinand*, borne of the Arch-dukes Bloud of *Austria*? Neither is that instance of *Ferdinand*, (so farre fetched from his great Grand-mothers Mother) any thing materiall, which were it of any force, that Royall Bloud would extend it selfe in infinitum: and to a free power of Electing, should neuer be granted to the *Bohemians*. Which yet *Charles* the fourth expressly set downe; and others also might be found both nearer, and worthy to bee preferred before *Ferdinand*. Hence therefore it is

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evident, that the intention of *Charles the fourth*, can by no meanes bee extended beyond his owne Children; as also the disposall of *Vladislaus* which also the clause of *Charles the fourth*, (which eight yeares after hee put in the Golden Bull Imperiall) doth approue. These are the words of the Bull:

Saving yet alwayes the Priuiledges, Rights, and Customes, of our Kingdomes of Bohemia, as touching the ELECTION of a King in case of vacancie, by the inhabitants of that Kingdome, who haue right of Electing a King of Bohemia, doing according to the contents of their Priuiledges, and long obserued Custom from the sacred Romane Emperours, or Kings obtayned: the which by this Imperiall Decree, wee minde in nothing to preiudice: Yea, wee doe order the same now and euer hereafter, in all the tenour and forme thereof, shall be of most vndoubted strength and validitie.

Seeing therefore *Charles the fourth*, here-hence in the now cited Bull Imperiall, doth so strictly in case of vacancie of the Kingdome, prescribe the maner of Electing according to the Priuiledges and long obserued Custom of the Bohemians: And that there the Customes and Priuiledges of the Bohemians, haue nothing at all which may make for the aforesaid clause of confirmation. Yea, in as much as *Wenceslaus* (his Father *Ottocarus* yet liuing) by no other Right but of ELECTION attayned to the Kingdome: and this ELECTION approoued, and confirmed by *Charles the fourth* himselfe: It followeth necessarily that now *Charles the fourth* hath debarred himselfe from the right of that clause, and that in no wise it can bee extended further than the Issue descended of his Family, now at this day extinct. And if others of the Female Line descending from *Charles the fourth*, should be sub-

substitute; assuredly both Kings, and Electours, and Dukes, (whereof hereafter more at large) from thence also drawing their Pedigree, would be found much nearer to the Crowne. Adde hereunto that by the new constitution of *Charles* the fourth, *de Anno* 1356. the Sons of the Kings could by no meanes reigne without ELECTI^ON going before. The States also afterwards obserued this very strictly, and chiefly, *Anno* 1438. For so saith *Dubranus*:

Albertus made haste into Bohemia, that by his owne presence hee might approoue, and confirme the ELECTI^ON there of him made, against all those who not only dissented from it; but had made choice of another for their King (a verie Child) to wit, Casimire, brother to the King of Polonia.

And *Curaus* a Writer of *Silesia*, (one of the incorporate Prouinces of *Bohemia*) hath these expresse words:

Sigismund the Emperour dying without Heire Male, before his death was a chiefe Anthour, and meanes to the Nobles of both Kingdomes (to wit, Hungarie, and Bohemia) that they would ELECT Albertus Prince of Austria, with whom Elizabeth, the Daughter of Sigismund was ioyned in Marriage. The counsaile of Sigismund was yeelded vnto, and the Gouvernement conferred vpon Albertus.

If the Kingdome had beene Hereditarie, and to haue fallen by right of Succession to the Daughter of *Sigismund*, the Wife of *Albertus*, what needed the Authoritie of *Sigismund* or his Counsell? After the death of this *Albertus*, notwithstanding hee had a Sonne borne after his death, they ELECTED *Albertus* Duke of *Bauaria*,
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without any respect at all had, either of Bloud or Linage.
These are the words of *Sylvius*.

cap. 57.

The Bohemians (after the death of Albertus was knowne) assembling at Prage, make one bodie of the whole Kingdome, and appoint a day for the ELECTING of a new King. Those who hated Albertus, deny his Sonne to bee King. This sentence prevailed. Therefore Albertus Duke of Bauaria, by the greater part of the voyces of the Lords is declared King.

Albertus of Bauaria, why hee refused the Kingdome.

And here is very remarkeable the reason of Duke *Alberts* refusing of the Kingdome : which (as *Dubranius* testifieth) was not in respect either of Bloud, or not of competent Election : but of the difference onely of Religion, and of discord. For so expressly writeth *DUBRAVIVS*:

Albertus Prince of Bauaria, contrarie to all mens opinions, excused himselfe for not accepting of the Kingdome of Bohemia: Answering that hee had rather dye then reigne in that manner as the Bohemians desired; for they desired that hee would not onely allow and approoue the Communion in both kindes, but also protect the same with all his estate and power, against all Adversaries whatsoever.

Fol. 138.

Haiecius also doth by all meanes confirme this excuse of *Albertus*, saying he was otherwise much enclined to receiue the Crowne, and that he went to the Confines of *Bohemia*, as farre as *Chamus*; that hee entertained the Bohemian Ambassadors sent thither, in the Bohemian Tongue, and gaue them thanks for so great Honor conferred vpon him: Neither to haue regarded the Reasons of the Emperour *Frederick*, (pretending I know not what right for his Nephew,) but onely to haue alleaged
the

the Dispute of Religion. Which done the Regall Dignitie was offered to *Frederick*; who although hee did produce for excuse the rights of his Nephew *Vladislans*, yet there were other, and that more pregnant reasons of his refusall of the Kingdome, which *Huiccius* doth deduce in *Anno* 1441. Two yeeres after, the States againe send their Ambassadors to *Frederick*, and because he refused the Kingdome, they desire out of hand to know whether he would permit and grant it to *Ladislans*: Adding that otherwise they would proceed to another Election. *Frederick* therefore doth attempt all meanes for his Nephew, who being elected, and afterwards dead, the Right of *ELECTION*, *Anno* 1458. was againe confirmed much more: For so *Dubranus*.

Fol. 139.

Fol. 141.

In Bohemia there was neuer more ambitious & hot pur- Lib. 30.

suite in Parliament for electing a King: so many, & so Haic. Fol. 167.
great Competitors there were, which kindled it.

Where (among seuen or eight, among whom the Emperor himselfe, Kings also & Princes were Competitors) the States to shew their most Free Right of *ELECTION*, with one consent (all the former reiectd) elected for their King *Georgius Podiebradius*, &c. Here the words of *Dubranus* come well to be noted:

If this Kingdome had bin Hereditarie by force of that clause of *Charles* the fourth: What hope had there bin for so many great Personages?

If the French Ambassadors might haue beene admitted and heard in Parliament, the opinion was; that they would haue carryed it away by voyces.

Where is here (although the aforesaid Sutors omitted not to allege what pretended right euery one of them had) where (I say) is that so often repeated clause of *Charles* the fourth, or restraint, or limitation? Had not the free power of *ELECTING* a King, taken deep root in the hearts of the *Bohemians*? Yea for the greater demonstration of this Libertie, (the Sonnes of *Podiebradius* that was dead, neglected, wherof hereafter more at large) a new and solempne Parliament is celebrated, for the *ELECTING* of a King: hereupon *Dubranus*:

Lib. 30. p. 344.

The King of France, by what consanguinity I pray you was he ioyned to the precedent Kings of *Bohemia*?

Lib. 31.

Maies. Fol. 181.

It was a solemne custome that the Parliament for creating a King should be celebrated at Prague, but it seemed good among so many diuers affections and dispositions at that time of all the States, and hauing Prague in great iealousie, and suspition, to translate the Parliament to the Hills of Cuttemberg, publike assurance and safe conduct being giuen to all men to come thither, and returne freely, and with great libertie to end the giuing of their voyces. Rosenfis and others, &c. giuing their voyces with great content, helped Matthias, but the maior part desired for their King Vladislaus, the Sonne of the King of Polonia, a young man, and by reason of his age not infected with any partiall Factions: the greater number preuailed.

Haies. Fol. 213.

In this Election there can no Historian bee alleaged, who saith, that there was mention made of Bloud and Linage. For if the Royall Stocke and Linage had giuen any occasion to ELECTION, well might the Sonnes of William of Saxon, comming of the elder Sister of King Ladislaus, haue beene preferred before Casimire, Sonne to the King of Poland, of the younger. And although afterwards the afore named Vladislaus King of Bohemia, agreed with the States for the electing and crowning of his Sonne, yet after his death, when his Sonne sent his Ambassadors, (with the Ambassadors of the Emperour and King of Poland) to the States, the first time they suffered a great repulse; at length after a whole yeare very great controuerfies (by reason of the Oath and other circumstances) arising, and first extinguished, with very great difficultie he is elected. These are the words of Dubravius.

The States doe promise the free Gouvernement to Lodwick, upon this condition, that so soone as hee should come into Bohemia, he should confirme the Lawes and
Li.

Liberties of all the States with his owne mouth by Oath, as is accustomed to the Kings of Bohemia.

Lodwick being dead, the *ELECTION* againe was held with very great Solemnitie: where although *Ferdinand* alleaged his double right, as well in respect of his Wife, *Anne* the Daughter of *Lodwick* that was dead, as also in respect of the *Pactions* of the Family; yet the States (none of all these things regarded) did make haste to the solemne *ELECTION*. And ordayned out of every of the three Prouinces eight *ELECTORS* for the choosfing of a King: yet taking first a solemne Oath to elect the most worthy. It is true indeed that *Ferdinand*, was elected but for other causes; wherefore also thenceforth, he renounced those Rights before pretended and by his Ambassadors moued, by expresse reuersalls: the tenour whereof is this:

Fol. 267.

Ferdinand, by no Hereditary Right but only by the free Election of the States is crowned.

We Ferdinand, by the grace of God King of Bohemia, Infant of Spaine, Archduke of Austria, Marquesse of Morauia, Duke of Luxemburgh, Silesia, and Marquesse of Lusatia, &c. Doe make knowne to all men by the tenour of these presents, how that the Barons, Nobles, and also Cities, and the whole Comminaltie of the Kingdome of Bohemia, of their free and meere good will, according to the Liberties of that Kingdome, haue ELECTED vs for the King of Bohemia: wherefore wee acknowledge that wee haue understood this thing from their Ambassadors, and know (indeed) and find, that the fore-said States and Comminaltie of that Kingdome, not of any right, but so as before is written (choosfing vs for King of Bohemia) of their free and meere good will haue made that ELECTION. Witnesse these our Letters confirmed with our Seale annexed: Given in the Citie of Vienna the 13. of December, 1526.

For

For the answer of these reuerfalls, that they (to wit, Anno 1545. and 1547. in the Parliament) were changed, the States with the Prouinces incorporate, doe alledge Ignorance altogether: and they of the house of *Austria*, seeing they affirme it, let them also looke vnto it, how they will proue it: yea, if further inquirie should bee made into this Parliament, it would easily be euicted, their proceeding to haue been verie preiudiciall and dangerous to the liberties and priuiledges of the *Bohemians*. And so the *Bohemians* shall be destitute of no defence either of exception of default of authoritie, or of constraint by violence, or feare, or of other things that may make for them.

After that, in the yeare 1549, *Maximilian*, at the instance of his father *Ferdinand*, in the same manner altogether, as the sonne of *Primislans*, was ELECTED King: and after his fathers death, Anno 1562, was crowned.

The same happened, Anno 1575, with *Rodolph* the sonne of *Maximilian*.

How *Matthias*, Anno 1608, came vnto the Crowne, there is no man ignorant: for the reuerfall Letters, aswel of *Rodolph*, as of *Matthias*, doe plainly shew, that he attained to the Crowne of *Bohemia* neither by transaſtion, or disposall, or priuiledge, or treatie, or by the clause of *Charles* the Fourth, or any other Right: but onely by the free and lawfull ELECTION of the States. The reuerfalls of *Rodolph*, among other things, are in this manner:

The reuerfall
Letters of *Rodolph* the
Second, Empe-
rour, and King
of *Bohemia*.

We haue required the States of Bohemia, that if we should happen to die without heires Males, they would accept for their future King, the Archduke Matthias, our eldest Brother: after that hee hath lawfully sought it of them,

them, according to their priviledges, and that after our death, they would **ELECT** and crowne no other but him; stedfastly hoping that the States, both for the aforesaid weightie reasons, and the generall good of the Kingdome, will condescend to this our friendly petition. We on the other side, for us, our heires, and all our successors of the kingdome of Bohemia, do promise, that this acceptation (and after our death, **ELECTION**, and coronation of our welbelovèd Brother) shall no way bee fraudulent, or preiudiciall, neither to their received priviledges, statutes, donations, customes, &c. especially from the time of Ottocar, Iohn, Emperors; Charles, Wenceslaus, Sigismund, Albert, Ladislaus, George, Lodwicke, Ferdinand, and Maximilian, our most deare Father. In witnesse, &c.

The words of the reuerfall Letters of *Matthias* are these:

We haue often desired our Lord and Brother the Emperour Rodolph, that during his life time he would desire the States, for the acceptation of us, (we notwithstanding first lawfully demanding the same) as the eldest brother of his Maiestie, so as his Maiestie dying without lawfull heires Males, they would not **ELECT** for their King, and crowne any other besides us. To whom assembled (a large proposition being made from his Maiestie, and our Embassaours present) we haue there promised, that if the petition of his Maiestie bee yeilded unto, this shall nothing at all derogate from their liberties, priviledges, and ancient obserued customes. Which done, the States with a free and ioynt consent, upon his Maiesties proposition and our petition, haue declared us for the time to come, and after the deceasse of his Maiestie without heires Males, (as the eldest brother of his Maiestie) to be elected and crowned King, &c.

The reuerfall
of *Matthias* the
Emperour,
King of Bohe-
mia, and Pre-
decessor of
Ferdinand that
now is.

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And

And this declaration of the States, wee doe promise shall not derogate, or any way be hurtfull to their priuiledges, nor ought to be, &c.

By that which hitherto hath beene said, it may easily appeare, the Kingdome of *Bohemia* to be altogether ELECTIVE, and not at all hereditarie; yea, and that the right of ELECTION can neuer by any treatie, disposall, paction, or any other way be infringed, or limited. For the right of ELECTION (as hath beene often remembered) tooke her beginning, not from any Prince, but from the most ancient foundation of the Kingdome, even to this day inuiolate, and vntouched, in a continued course and order without any interruption at all. And although against the aforesaid acts, lawes, and priuiledges, some things might be objected, yet the reuersals of *Rodolph* and *Matthias* now already produced, doe proue an vndoubted right of ELECTION. And if the pretended right of *Succession* were or euer had beene so manifest, what needed so many words and reuersals? Also it is to be noted, that the said treaties of the two brothers, *Rodolph* and *Matthias*, (which they begun by a mutuall consent with the States) are of more force than all other declarations, and precedent disposalls: not onely in respect of time, but also in respect of forme and matter. For there expressly the common consent of all the States is alledged, which no otherwhere, neither in the priuiledge of *Charles* the Fourth, or the disposall of *Vladislans* or in any other writing is to be seene; nor yet the said priuiledge or disposall of any Emperour, one or other, found to be confirmed: which surely doth put vpon this whole matter no small suspition. And by good right *Charles* the Fourth, *Vladislans*, and *Ferdinand*, (seeing they alwaies spake in fauour of themselues and their posteritie) are reported to haue beene but bad witnesses in their
owne

owne cause; neither were their letters confirmed by the succeeding Emperour. But if they had bin approued by the common consent of the States, they might in some sort haue beene borne withall: but seeing the Kings are both actors and witnesses, verie well in this case may their testimonie be reiected.

By all these things may any one (not ouer-taken with passion) easily see, that the States in all ages euen to this day, by force of their proper libertie, haue strongly maintained, and preserved, the *free and absolute power* of ELECTING Kings: so that none whosoeuer is able lawfully to pretend any right at all to the Crowne of *Bohemia*, but onely by the lawfull and free ELECTION of the States, ELECTED. And also he that shall attempt any thing against the *free* ELECTION of the States, *ipso facto* doth disable himselfe of the Crowne.

Now let vs see the Arguments of the contrarie INFORMATION.

First of all, hee citeth priuiledges, and in the Margen, The friuolous the Golden Bull Imperiall of *Charles* the Fourth. But and feeble the Author of the Information seemeth to haue put the grounds of the same of purpose out of the List of the other fundamentall reasons: for by the former alledged words of the said Informer answered. *Bull*, it is manifest that the same doth rather make against him than for him, no mention at all beeing made of the Royall issue, either Male or Female. *Fol. 1.*

Therefore the first fundamentall reason in order is, the confirmation of *Charles* the Fourth, of the said priuiledge of *Fredericke* the Second. Hereunto euen now and already is answered, and to any one looking well into this information it may easily appeare. *Fol. 1.*

First, That the same is called the *Golden Bohemian Bull*, in title onely.

Secondly, That it is no other thing then the confirmation of the priuiledge of *Fredericke the Second*.

Thirdly, Further, that nothing else was demaunded from the Deputies of the States at that time, whose Names are prefixed in the said writing.

Fourthly, The words of the said writing doe testifie the same.

Fifthly, Therefore, that the clause of the succession of the royall issue, annexed by *Charles the Fourth*, to the aduantage of himselfe and his children, was inserted to the great preiudice of the libertie of the *Bohemians*.

Sixtly, Neither did the *Bohemians* euer allow the same. Also in later times (although there were many Emperors of the house of *Austria*) there appeareth yet no ratification of any Emperour: all which doe argue the manifest inualiditie of the said clause, and the imperfection of their pretence or claime. There is yet in the said confirmation this clause:

This clause is
subiect to a
thousand ex-
positions and
ambiguities.

*In case or euent, where the Male or Female not suruiuing,
or by any other way shall happen to be vacant.*

By the force of this confirmation, and clause in other places alledged against the *Bohemians*, it seemeth easie to proue that these things make for the States, and that the vacancie of the Kingdome doth not simply and meereley consist in the default of heires Males or Female, but also in other defaults. But howsoeuer this be, daily practise (as is aforesaid) is altogether contrarie to the strict restraint of this confirmation. And although the often repeated clause of the said *Bull*, together with the consequence of the *Austrians* drawn from thence, were of some moment; yet it is manifest that the Offspring descending
from

from the house of *Luxemburg* by the elder sister *Anne*, the wife of *William* Duke of *Saxon*, the eldest daughter of the Emperour *Albert*, of the house of *Austria*, should rather come nearer the Crowne of *Bohemia*, then those of the house of *Austria* at this day living. For the *Austrians* doe descend from the younger sister, to wit, *Elizabeth*, the second daughter of *Albertus* the Emperour, and wife of *Casimire*, King of *Polonia*, the great grandfather of *Anne* wife to *Ferdinand* of *Austria*, the brother of *Charles* the Fifth, Emperour. Now on the other side, let vs see the offspring of the said *William* Duke of *Saxon*. Surely among them of the house of *Brandenburgh*, of *Denmark*, of *Meckelburgh*, and others, are found so many, that even the most renowned Queene of *Bohemia*, *Elizabeth*, the daughter of Great *Brittaine*, may deriue from thence her pedigree. Wherefore this argument, tho of the *Austrians*, without all exception the greatest (as they would haue it) may easily be ouerthrowne.

**Charles the Fourth, Emperour, King
of Bohemia, the Author of the
often repeated clause.**

Sigismund.

**Elizabeth, the wife of Albert of
the house of Austria, Em-
perour, and King
of Bohemia.**

**Anne, the eldest daugh-
ter of Albert, wife of Wil-
liam Duke of Saxon.**

**Margaret, the wife of
John, Elector of Branden-
burg.**

**Anne, the wife of Fre-
derick the First, King of
Denmarke.**

**Christianus the Third,
King of Denmarke.**

**Fredericke the Second,
King of Denmarke.**

**Anne, the wife of James,
King of Great Britaine.**

**Charles
Prince of
Wales.**

**Elizabeth
Queene of
Bohemia.**

**Elizabeth, the younger daughter of Albert,
the wife of Casimir, King of Polonia.**

Vladislaus,

**Elizabeth, after her name
changed and called Anne,
the wife of Ferdinand, of
the house of Austria.**

Maximilian Empe.

Charles.

Rodulph. Matthias.

**Ferdinand
now Emp.**

**Sophia, the wife of Frede-
rick Marquess of Bran-
denburg.**

**Marie, the wife of Frede-
rick Simmorensis: Elector
Palatine.**

**Lodwick the Fourth, E-
lector Palatine.**

**Frederick the Fourth, E-
lector Palatine.**

**Frederick the Fifth, King
of Bohemia, &c. Elector
Palatine, &c.**

The clause hath thus:
the Male or Female of the
royall Linage. But the
most renowned King
and Queene of Bohe-
mia, Frederick and Eli-
zabeth, are (as you see)
of the royall linage.
Ergo.

The

The second Argument of the *Informers* is, the disposall of *Vladislaus*; but this is both of lesse force than that, and in some sort doth seeme to make for the States: where (to wit) he doth affirme King *Lodwick* of the meere free will of the States of *Bohemia*, to haue been receiued King, which free will (surely) ouerthrowing *Succession*, doth againe seeme to stablish *ELECTION*. And it was the true intent and meaning of this disposall, onely to assure the States of the Education and Marriage of the Children of *Vladislaus*. Now whatsoever is there said concerning the Succession of *Anne* the Kings Daughter, that is only spoken incidentally and by way of narration, not to prooue any thing at all. Neither was it in the Kings power in this case, by expresse Law to dispose; and although the said disposall were of some weight, yet it is to be vnderstood not of all *in infinitum*, descending from the said *Anne*, but onely of her selfe, and so the same for *Ferdinand* appeareth to be of no efficacie.

Fol. r.

The disposall
of *Vladislaus*.

As for the third Argument of the *Informers*, to wit, the Reuersals of *Ferdinand*, euen now and before is answered, so as it is to be iudged of no moment. For *Ferdinand* himselfe, *Anno* 1526. (not as then ignorant of his owne pretences, nor needing to be informed thereof, nineteene yeares after to haue vnderstood of them,) doth clearly confesse, and declare sufficiently both by his Ambassadors at that time sent, and Letters reuersals: that thereby hee doth renounce all those his pretences. Surely that those Reuersals, either after the space of nineteene yeares, or for other aduerse accidents, *Anno* 1545. and in the yeares following (whereof more in their due time and place) should suffer shipwracke and miscarrie, there is no reason that can indure to heare of it. And in whatsoever manner and sense the Reuersals of the yeare 1545. be taken, yet they doe alwayes make mention of the forepassed *ELECTION* saying,

Fol. r.

The Reuersals
of *Ferdinand*
changed.

Of

Of their owne free and meere good will they have elected and receined vs for their King and Lord, which forwardnesse of the States, and ELECTION and receining of our Person for King, wee will both prosecute and recompence with all clemencie.

And this is that which the States of right desire, *Ferdinand* the first also himselfe approued; but to *Ferdinand* the second, of whom now the question is, this is altogether displeasing. Wherefore the States doe so often complaine of the said *Ferdinand* the second, both that he offered violence to their Priuiledges and Liberties: as also that the alleaged Confirmations, and Reuersals, (sometimes approuing *Hereditarie Succession*, sometimes *ELECTION* of free and meere good will, with promise of gratuitie) are altogether contradictorie; and so the Kingdomes *Hereditarie*, (as the Austrians contend to make *Bohemia*) to haue nothing common with the *Electiue*, rending of thankes and other promises therevpon. And it remayneth more then manifest, *Hereditary* and *Electiue* to be incompatible, and cannot agree together: and herevpon necessarily the most strong Arguments of the Austrians to be vaine and of no effect.

The Constitutions of the Kingdome.

Hitherto we haue answered the grounds of the *Informer*, which he hath produced vnder the title *A. 1. 2. 3. 4.* Vnder the Letter *B.* hee alleageth the Constitutions of the Kingdome, *X.* but heere the Originals are to bee sought out of the Records at *Prague*, and not of *Vienna*, from whence the *Informer* tooke the concordances. But the States of *Bohemia* doe alleage, apply, and expound their Constitutions, according to the fundamentall Lawes of the Kingdome; practise obseruations, and by their Priuiledges and confirmed Customes. And why should the *Bohemians*, who euen to this day (as before at large is declared) haue had and exercised alwayes a free
E-

ELECTION, admit any restraint or limitation thereof.

Vnder the Letter *C.* is alleaged the Parliament of the *Fol. 1.*
Kingdome of the year 1547. inserted in the Tables of
Kingdome, but in the Margine onely; neither is there
any Argument worthy of an Answer drawne from
thence.

Vnder the Letter *D.* are againe cited the Constituti- *Fol. 1.*
ons of the Kingdome, *B. 3. B. 7. B. 8.* but without any *Fol. 2.*
further deduction. In the end hee doth alleage the Oath
of the Inhabitants of *Traque*, and *Lentmeritz* made in
the time of *John* and *Charles* his Sonne; but that serueth
onely for that time, neither can be drawne to any further
consequence: and the tenor of the said Oath doth seeme
to disagree with the intent of the Informer. For behold
the expresse words of the Oath:

*The Heires and Successours descending of the Line
Masculine.*

Hence it appeareth that the vigor of that Oath was ex- *Fol. 23*
pired for default of the Line Masculine of *Luxemburgh*, *John of Luxem-*
and rather to make against the Austrians, whose pre- *burgh*, by what
tence is grounded vpon the Female. *right he attay-*
ned to the
Crowne of Bo-
hemia.

The Informer saith:

*That John of the House of Luxemburgh attayned to
the Kingdome, it was because hee had to Wife the
Daughter of the King of Bohemia.*

For confirmation hereof, the *Informer* alleageth Hi-
storians, when as it is altogether manifest that they
meant another thing. For they say it was done by **ELE-**
CTION, and the States of *Bohemia* to haue offered the
F King-

Kingdome to *John* the Sonne of *Henrie* the Emperour, which though the Emperour rather desired for his Brother *Walramus*, then for his onely Sonne, as yet of more tender age, notwithstanding vpon the great instance of the Ambassadors (as they had in command) at length the said *John* marryed to Wife the Daughter of the King of *Bohemia*. And so was first elected, and afterwards by reason of this ELECTION marryed to the Kings Daughter. See the words of *Dubravius*:

In the Parliament at Numburge, there publikely in the Assembly with open voyces they desired another more fit King; hereunto enclined the voyces and suffrages of all, that John of Luxemburgh, the sonne of Henrie the Emperour should be made choice of, for King to the Kingdome of Bohemia.

Henry of Carinthia, wherefore deprived of the Kingdome.

And this history by *Haiecius* is more at large described, by reason of *Henrie* of *Carinthia*, who marryed the eldest Daughter of *Wenceslaus*. The Informer, saying that hee was deiected from the Throne of *Bohemia*, for rebellion against the Romane Empire, speaketh childishly: for not the pretended rebellion of the Informer, but his extortions and cruelties made him odious to the people. The words of *Dubravius* are these:

That they might bee delinered from the intollerable Government of Henrie.

Neither could the Wife and Daughter of *Henry* (had the Kingdome beene Hereditarie) for his fault haue been deprived of their Right. Neither did the Daughter of *Henrie* (although nobly marryed, or his Sonne ever pretend any right at all to this Kingdome. It is false therefore that the Kingdome fell to the younger Sister, by the elder Sister and her Husbands falling from their right, but

but by vertue of Election: and this *Henric* to haue been ELECTED, and not to haue obtained the Kingdome by right of Succession. *Dubranins* testifieth expressly in these words:

The States assembled in a lawfull Parliament, doe strine with great contention for ELECTING of a King: some altogether despising a stranger-King, the rest distracted betwixt Rodolph the sonne of Albertus the Emperour, and Henric of Carinthia who was present.

As for the Succession of the House of *Luxemburgh*, and of *Albertus* the Emperour, as also the ELECTI-ON of the Duke of *Banaria*, & those things that follow, is already answered: and the solempne and free ELEC-TION of *Albertus* sufficiently proued. Neither is it materiall that the *Morauians* did expostulate with the *Bohemians* (whereof notwithstanding the Historie maketh no mention,) for the said free ELECTION of *Albertus*: For to the deciding of our case this doth nothing at all appertayne. The ELECTION of *Podiebratius* was not onely lawfull, but also confirmed by *Frederick* the Emperour himselfe, the head of the House of *Austria*, and to *Podiebratius* his Predecessor, *Ladislans* at the point of death speaketh thus:

I must now dye, the Kingdome to come into thy hands: I aske of thee two things; one that thou gouerne the Provincials iustly, &c. The other that those who haue followed mee out of Austria, and the other Prorinces thou send them backe safe into their Countrie without any violence offered them. Where is this Hereditary Succession?

Wherefore the words of the *Informer* concerning the Successor of *Podiebratius*, where he saith:

Fol. 42.

After the death of George, although hee left Heires Males, yet the Kingdome to have returned againe of right to the ordinarie Succession;

Is nothing but a meere Cauill, and idlenesse: for these are the expresse words of *Cromerus*.

Lib. 27. p. 393.

Podiebratius signified to Casimire, King of Polonia, that hee would ordayne one of his sonnes, (with the consent of the States of Bohemia) for his Successour; his owne sonnes neglected; not by any Hereditarie right of a Kingdome (which is none at all among a free Nation) but by a singular inclination and affection of all the Bohemians towards Casimire, and communion of Language with the Polonians.

Where is this *ordinarie succession*, which the *Informer* dreameth of? Is it to bee found in the designation of *Podiebratius*? or in the inclination of the Bohemians? or in the communion of Language with the Polonians? or lastly, in the words now repeated, *Not by any Hereditarie Right of the Kingdome, which is none at all among a free Nation?*

Ad pag. 156.

Here for conclusion it is to be knowne, and noted well; that *Lodwick* King of *Hungarie* and *Polonia*, had two Daughters; the elder whereof *Marie*, married *Sigismund* the Emperour, and King of *Bohemia*: the younger, *Jagellus* Prince of *Lithania*. After the death of *Lodwike*, *Sigismund* was ELECTED King of *Hungarie*, and *Jagellus* of *Polonia*. And although afterwards, the Queenes both of them dyed without any issue at all, yet the Kingdomes remayned to both the Kings: the reason, because they were both of them not Hereditarie (otherwise they had salne to the Queenes next Allies) but meerely Electiue. And although after that, the said Kings contracted other

other marriages nothing at all pertaining to the Bloud: royall of the aforesaid *Lodwicke*, or his Daughters, yet the children by them begotten were ELECTED afterwards for Kings. You see here *succession*, nothing at all to haue preuailed, but onely the free ELECTION of the States. Surely in Kingdomes hereditarie it is farre otherwise. *Philip* the Second, King of Spaine, being ioyned in marriage with *Marie* Queene of England; after her death was forced to quitte all and be gone, and the Kingdome fell to *Elizabeth* the sister of Queene *Marie*: the reason, because it was hereditarie, and not (as the aforesaid Kingdomes) ELECTIVE.

Ferdinand of *Aragon*, and his wife *Isabel* heire of *Castile*, dying, & leauing behind them many daughters, the eldest daughter (the wife of *Philip* of *Austria*) was preferred before the rest in the succession of all those Kingdomes: The reason, because all those Kingdomes were hereditarie, and not (as ours is) ELECTIVE.

Robert, King of *Naples*, leauing behind him three Nieces, the eldest of them (the two younger excluded) was admitted into the possession of the whole kingdom: the reason, because that Kingdome is hereditarie. And so this is to be obserued in all Kingdomes where women succeed. You see here betweene the Kingdomes of *Polland*, *Bohemia*, and *Hungarie* (which are ELECTIVE:) and the Kingdomes of *England*, *Castile*, *Naples*, &c. (which are hereditarie, that also women succeed) verie great differences of succession. For if our Kingdomes should haue beene translated to women, surely *Sigismund* and *Jagellus* (their wiues being dead) should haue beene forced to haue left all and departed. Which not being done, it necessarily followeth the said Kingdomes to sauour of no hereditarie succession at all.

Hitherto briefly the ELECTIONS successiue following one another, with their principall circumstances, haue beene declared: to demonstrate the *Bohemians* not

to be guiltie at all of rebellion, disloyaltie, and conspi-
racie as the preiudicate *Informers* vrgeth. And if the *In-*
former doe truely accuse them of such crimes, why doth
he not expresse their cases? which if he had done, with-
out doubt the *Bohemians* would easily haue confuted
them. Also the *Informers* doth proceed to that audacitie,
as to denie those Kings (whom he nameth) to haue been
ELECTED: and so by his glosses is not ashamed to of-
fer violence to a language, whereof (perhaps) he is ig-
norant. Whenas notwithstanding the same Kings them-
selues, especially *Iohn, Albert, and Ferdinand* in their let-
ters (yea and that in the Latine Tongue, and Latine phra-
ses written) doe confesse that they were ELECTED by
the free ELECTION of the *States*.

Fol. 6.

The *Informers* proceedeth.

*Neither an absolute nor conditionall ELECTION doth
belong to the States, but in case, &c.*

Answer. What further conditions therefore haue the
Bohemians prescribed to *Rodolph of Austria, Podiebrati-*
us, and others (who obtained the Crowne through no
precedent consanguinitie, but onely by ELECTION)
then to the rest which were either brothers or sonnes of
the precedent Kings? And the Letters reuerfall, and the
solemne oathes taken by all the Kings, what are they
else but conditions, or couenants of great force, and con-
ditionall ELECTIONS?

Fol. 6.

But the *Informers* persisteth:

*Although they did not obserue them, yet ought they not to
be depriv'd of the Kingdome.*

Answer. Surely the contrarie, by the aforesaid ex-
amples, doth clearely appeare, and what other conse-
quence can there be implied in the reciprocall obligation
of a King and his subiects?

Fol. 6.

The *Informers* saith:

*Such penaltie is not provided for by Couenant, Lawes, nor
Parliaments.*

Answer.

Answer. The ancient obserued customes of the king-
dome of *Bohemia* are in stead of written Lawes, yea a-
mong other constitutions, the *States* in the reigne of *So-*
bislaus expressly decreed:

*That if at any time the King of Bohemia should with-
out reason make warre against the Bohemians, then the
States and people ought to be exempted, free, and absol-*
ned from all obedience and subiection.

The *Informer* proceedeth:

It is against equitie, that any one should be both an accu-
ser, a witnesse, and a Iudge at once.

Fol. 6.

Answer. The examples of *Henrie* of *Carinthia*, of
Iohn, in respect of his exchange of *Bohemia*, and of other
Kings, doe teach, that this is nothing at all against equi-
tie. For the *States* euer haue beene, and are yet, the Cen-
sors and Guardians of their priuiledges: yea also the la-
ter *Emperours* ordained them to be Defensors of their E-
dicts, and Liberties, and chiefly of Religion.

To the examples of *Wenceslaus*, and *Podiebratius*, is al-
readie answered. Fol. 6.

The excuse vpon the receiuing of *Matthias*, made An. Fol. 7.
no 1608. and 1611. that it was in the middest of Gar-
boyls and warres, without any exact order, and that it
maketh nothing for a free ELECTION, is altogether
ridiculous. For the order there, (as those solemn acts
and reuersals testifie, where the *States* free and lawfull
right of ELECTION is confirmed) is most per-
fect. Yea if no other reason remained to the *States*,
suerly this so extraordinarie, and so solemn sworne con-
tract, by the ioynt consent of two Kings, of *Rodulph* be-
ing present, or rather precedent, and of his Successor
Matthias, and of all the *States* of *Bohemia*, and the Pro-
uinces incorporate, (which seldome before hath beene
scene) might suffice for prouing the free ELECTION
of the *Bohemians* to be lawfull. For the armes, and pow-
er of writing, were wholly in the hands of the two Bro-
thers

chers the Kings. Neither hath the Stile which in writing they vse, either one to another, or to the States, any such effect as the *Informer* pretendeth. Neither were themselves ignorant of the rights and priuiledges of their owne Family or persons: Nor (to conclude) would their Counsellors, who then were present, (had there beene any things of importance) haue passed them ouer in silence.

Those things which follow, concerning the Treaties, Confederacies, with the *Austrians*, the *Golden Bull*, Inuestitures, and Imperiall Diets, seeing they are of no weight, I doe not see it worth the labour to insist in them any longer.

The end of the Answer to the
FIRST PART.

AN APPENDIX

To the Reader.

SEeing (gentle Reader) the person of the *Archduke Ferdinand* now Emperour, and the question concerning him, (to wit, Whether he by that ELECTION, or by Admission, and Coronation, which he had in *Bohemia*, purchased the Right of that Scepter) doth require a speciall Treatise, which (God-willing) very shortly (vnder the title of *An Answer to the Information against the Apologies and Writings of the States of Bohemia, the second Part*) shall follow: I would haue thee to know for a conclusion of this first Part, and for a Proceeme to that which is to follow: that no Regall Right at all to that Kingdome came to *Ferdinand*, by the said ELECTION, or by Admission and Coronation. For the same to bee Electiue, and not at all Hereditarie, in this Part is sufficiently prooued. I omitt now to say that ELECTION not to haue bene lawfull, because it was not free, but for the most part surreptitious, fraudulent, and against the Lawes of the Kingdome: wherefore also it was no ELECTION, but altogether void, which being matter of Fact, I come to the point of Right: yea, supposing that they had proceeded lawfully, freely, and simply after a voluntarie manner therein.

And first the nullitie of that Admission, and Coronation, for that reason is manifest, because by supposition, that Kingdome is Electiue; therefore no man can acquire any Regall Right therein, but by the ELECTION of those to whom it belongeth to elect, according to the Lawes and Customes of that Kingdome. But *Ferdinand* was not elected, neither by ELECTION entred into the Kingdome (as his owne Writings confesse, by which it is manifest that he would not be elected, but onely admitted by Hereditary Right, as the adopted Sonne of the last lawfull King *Matthias*, or by some other right of

Bloud) therefore he was not elected. But Coronation in an Elective Kingdome doth presuppose a lawfull ELECTION, which if it do not first precede, all such Coronation of Right is frivolous, and none at all. Neither can they call that Admission (in what manner soever it was) ELECTION, or reduce it to ELECTION, because they doe expressly deny themselves to challenge that Kingdome by Right of ELECTION, and betake themselves onely to Succession. When as therefore it shall bee proved, that Kingdome to bee Elective and not Successionarie, by this onely prooffe, whatsoever shall bee done without that which is properly called true and lawfull ELECTION, falleth to the ground.

Secondly be it, that the said ELECTION were free, voluntarie, and lawfull; it is plaine that the same was conditionall: to wit, that during the life of *Matthias, Ferdinand* should not entermeddle with the Government of the Kingdome, and should sweare to the Pactions, and obserue them: which Conditions doe quite take away all force from ELECTION, if any thing be done against them. Because ELECTION is not absolute, but conditionall: Now where the Conditions are wanting, there ELECTION is not ELECTION; for ELECTION ought to be voluntary; but a thing voluntarie conditionate, is not voluntary, except the condition bee performed. But *Ferdinand* hath broken the Conditions, (as is manifest in Fact) therefore his ELECTION is of no force, and consequently neither his Coronation.

Thirdly, this ELECTION although it were an ELECTION, yet indeed it was none at all, of no validitie, or efficacie because, (the King living and reigning) no other can in any wise be elected: Argument C. in Apibus 7.9. &c. And the reasons are two, and both evident. The first, because the Electours have not power of Electing, but when the seate of the Kingdome is vacant: therefore he was elected of such as had no power then of Electing.

They

They may designe, and promise (as much as in them is for their time) a future Election, but can by no means make a present Election, because the right of Electing is not then open vnto them. *Bald. in C. licet de vitanda Electione.* The other reason is because iniury is done to the true Electors, which shall be lawfull, and haue a full power of Electing when the seat is vacant: whose power is vsurped by pre-occupation of them, whereof (perhaps) not one, or very few shall be Electors when the seat shall be vacant. And it sufficeth (if the iniurie be done to one onely) to make the whole Act vniust, and therefore vnlawfull. *Bald. vt supra, & Iason in L. fin. C. de Pact.* There may (perhaps) two at once reigne together as if they were one, (as in times past they that were fellowes in the Empire:) the King also liuing, may resigne his Regall Right, to the end his Sonne, or some other may bee elected; but in our case there is no such thing: because neither *Matthias* resigned his Regall Right, but manifestly retayned it, neither did he assume *Ferdinand* as his companion. And that Election and Coronation was made with expresse reseruatiō of all full Royall Power wholly and entyrelly in *Matthias*, and with an inhibition, that *Ferdinand* by no meanes should intrude himselfe into the Gouernment of that Kingdome. These reasons likewise doe constrayne vs vtterly to deny that hee is lawfully chosen King of the Romanes, who is chosen King of the Romanes, that is to say, future Emperor while the present Emperor liueth, and doth not resigne the Right of the Kingdome of the Romanes; that is to say, the *Romane Empire*: because the Electours then Electing, had not in act, and indeed, but onely in habit, power of Electing, the seat being not yet vacant. And iniurie is done to the Electours, when the seate of the *Empire* is vacant, whose actuall power was vnlawfully vsurped. Therefore might the Electors of the *Empire* come to a new Election, the Emperour being dead, the King of the Romanes (who was wrongfully chosen,) excluded. The same reasons doe al-

See the Pactions concerning a perpetuall Succession in the Kingdomes of Hungarie and Bohemia, and the Prouinces thereunto appertayning, for the further declaration of the truth; annexed to this Appendix.

together nullifie all Reuerfions, & benefits in expectance, as also may easily be proved out of the Lawes.

Fourthly, (to conclude) that Election and Coronation of *Ferdinand*, although it were of validitie, (which wee haue shewed to be false) yet well might hee be deprived thereof by the Kingdome; because now hee consented to the oppression of the libertie of the Kingdome, vexing the Kingdome with Armes, and endeavouring of Electiue to make it Successionarie; and to translate the same Kingdome after him to others; and notwithstanding as yet not actually possessed of the Kingdome, nor hauing receiued power from God: by men therefore hee might vpon iust cause be deprived of that right which hee had, not in the thing, but to the thing onely. For a King is Elected for the preservation of the Kingdome, and not for the destruction. And a Kingdome may defend her owne proper libertie lawfully against any whosoever; yea against her owne King: especially such a one who hath bin onely designed, and thereby become an Enemie of the Kingdome, & an vniust oppressor of the liberty thereof.

The same reasons also proue that the *Hungarians* might iustly come to another Election (*Ferdinand* excluded,) it being supposed likewise, that Kingdome also to be Electiue as they proue. For there was no Election of *Ferdinand*, but an Admission, and if it were an Election, (the lawfull King as yet living and reigning) yet was it void: Neither is it materiall that the *Hungarians* held as ratified their Election of the person of *Ferdinand* after the death of *Matthias*, (which yet the *Bohemians* haue not done) because that ratification, whether it were tacite & vertuall, yea, or also expressed, is of no effect: For that which is nothing cannot bee accounted ratified. *SYLV. consensu q. ult.* vnlesse the Electors knew their Election to be of no validitie at all, and knowing it doe not ratifie the same but make a new Election. And if they thinke it was of validitie, when it was not, and doe ratifie it, not making a new Election, this ratification is of no force. *Caiet. secund. secunda. G. 189. Art. 8. &c.* THE

THE INSTRUMENTS

of the *Pactions* or Conditions concerning a Perpetuall Succession in the Kingdomes of *Hungary* and *Bohemia*, and the Prouinces thereunto belonging.

THE INSTRUMENTS OF THE

6. and 15. of the Month of Iune, Anno
1617. made at Prague.

PHILIP the III. King of Spaine, renouncing his right, and ratifying the resignation of his Mother ANNE, daughter to MAXIMILIAN the second Emperour: As also for this resignation couenenting as wel for a compensation or recompence to be made to himselfe, as for a Restitution to his Heyres whensoever the Heyres Male lawfully begotten shall faile in the right Line of FERDINAND Arch-Duke of Austria.

FERDINAND Arch-Duke of Austria accepting, approving and ratifying them, and (in case of default of Heyres Male in the right Line lawfully descended from him,) promising restitution.

MATTHIAS the II. Emperor of Rome, not onely procuring these Pactions by his Intercession; but also by his Imperiall and Royall Authorit y confirming them.

For the weale and safety of the Catholike Religion,
and Maie sty of the House of Austria.

MDCXX.